

Introduced by Committee on Local Government (Senators Kehoe (Chair), Ackerman, Cox, Machado, McClintock, Soto, and Torlakson)

February 22, 2005

An act to add Section 19460.5 to the Education Code, to amend Sections 24009, 26202.1, 66442, 66442.5, and 66452.5 of, to add Sections 25210.3c and 61226.5 to, to repeal Sections 1228.6 and 25841 of, to repeal Article 3.5 (commencing with Section 51939.50) of Chapter 5 of Part 2 of Division 1 of Title 5 of, and to repeal Chapter 3 (commencing with Section 51700) of Part 2 of Division 1 of Title 5 of, the Government Code, to add Sections 5900.11, 6064, 6272, 6860.5, and 7053.5, to the Harbors and Navigation Code, to amend Sections 2043, 11372.5, and 13868 of, and to add Sections 2853, 4766.5, 6491.5, and 32107 to, the Health and Safety Code, to add Section 1190.5 to the Military and Veterans Code, to amend Section 1463.14 of the Penal Code, to amend Sections 5557.2, 5786.9, 9313, and 26582 of the Public Resources Code, to amend Sections 12772, 16486, and 16489 of, and to add Sections 16044 and 22411 to, Public Utilities Code, and to amend Section 21403 of, and to add Sections 30525.5, 35307, 40657.5, 50942, 55333.5, 71282, and 74228.5 to, the Water Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 966, as introduced, Committee on Local Government. Local Government Omnibus Act of 2005.

(1) Existing law prescribes the procedures for special districts to retain and destroy their old records.

This bill would expressly refer to those procedures in the principal acts of 30 types of special districts.

(2) Existing law authorizes the Calaveras County Board of Supervisors to grant a county sheriff a leave of absence without salary for not to exceed one year for a specified purpose.

This bill would repeal that authorization.

(3) Existing statutory law requires that certain county offices are to be elected, in addition to those that the Constitution requires to be elected. Existing law establishes a process by which those offices that are required by statute to be elected may be converted to offices appointed by the board of supervisors.

This bill would explicitly state that those offices required by the California Constitution to be elective may not be made appointive by this process.

(4) Existing law contains an authorization for county boards of supervisors to impose a special ad valorem property tax, now made obsolete by the passage of Proposition 13 in 1978, to pay for comfort stations.

This bill would repeal that obsolete provision.

(5) Existing law requires that a county board of supervisors retain for at least 5 years records of any unaccepted bid or proposal for the construction or installation of any building, structure, bridge, highway or other public work.

This bill would reduce that period to 2 years.

(6) Existing law, the Joint Exercise of Powers Act authorizes 2 or more public agencies to perform jointly any program each agency is individually authorized to perform. Existing law also provides a procedure for counties and cities to jointly construct public buildings.

This bill would repeal the latter procedure.

(7) Existing law contains alternative procedures, enacted in 1973, for local voters to consolidate the County of Sacramento with its incorporated cities if a constitutional amendment on the subject was rejected by the voters. However, the constitutional amendment was approved.

This bill would repeal those alternative procedures.

(8) Existing law requires a certificate or statement by the county surveyor for the final map of a subdivision that lies within an unincorporated area or a certificate or statement by the city engineer or city surveyor if the subdivision lies within a city. Existing law also requires other specified information from that official.

This bill would also require that the final map contain the stamp of the seal of that official.

(9) Existing law requires that a final map contain the engineer's or surveyor's statement.

This bill would require that the statement contain a specified declaration regarding the proper placement of survey monuments.

(10) Existing law, relating to the local planning commission's approval of the division of property into smaller parcels, requires the appeal of the decision to be heard within 30 days by the appeals board, which may be the city council or county board of supervisors if the city or the county does not have an appeal board.

This bill would provide that where the city council or the board of supervisors is the appeal board, it does not have to hold a special meeting to hear the appeal if no regular meeting of the legislative body is scheduled within the next 30 days, and that the appeal may be heard at the next regular meeting for which notice can be given.

(11) Existing law requires the deposit of a criminal laboratory analysis fee imposed by the courts upon conviction of specified offenses into a criminalistics laboratories fund maintained by the county treasurer to be used for specified purposes. Existing law requires the county treasurer, at the conclusion of each fiscal year, to determine the amount of any funds remaining in the fund and to distribute the surplus funds pursuant a specified allocation schedule.

This bill instead would require the county auditor to determine the amount of any funds remaining in the fund at the end of the fiscal year.

(12) Existing law grants the Kirkwood Meadows Public Utility District and the June Lake Public Utility District all of the powers of a mosquito abatement district or vector control district.

This bill would correct obsolete references to mosquito abatement districts and vector control districts in those public utility district laws.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) This act shall be known and may be cited as
2 the Local Government Omnibus Act of 2005.

3 (b) The Legislature finds and declares that Californians want
4 their governments to be funded efficiently and economically and
5 that public officials should avoid waste and duplication whenever
6 possible. The Legislature further finds and declares that it desires

1 to control its own costs by reducing the number of separate bills.
2 Therefore, it is the intent of the Legislature in enacting this act to
3 combine several minor, noncontroversial statutory changes
4 relating to local government into a single measure.

5 SEC. 2. Section 19460.5 is added to the Education Code, to
6 read:

7 19460.5. A district may destroy a record pursuant to Chapter
8 7 (commencing with Section 60200) of Division 1 of Title 6 of
9 the Government Code.

10 SEC. 3. Section 1228.6 of the Government Code is repealed.

11 ~~1228.6. Notwithstanding Section 1063 or any other provision~~
12 ~~of law, the Calaveras County Board of Supervisors, at any time~~
13 ~~during the 2004 calendar year may grant the county sheriff, upon~~
14 ~~request, a leave of absence without salary, for a period not to~~
15 ~~exceed one year from the date of deployment, to participate in~~
16 ~~the United States Department of State International Police~~
17 ~~Mission in Iraq. Upon termination of that service, the sheriff~~
18 ~~shall have the right to be restored to his or her former position.~~

19 SEC. 4. Section 24009 of the Government Code is amended
20 to read:

21 24009. (a) Except as provided in subdivision (b), the county
22 officers to be elected by the people are the treasurer, county
23 clerk, auditor, sheriff, tax collector, district attorney, recorder,
24 assessor, public administrator, and coroner.

25 (b) ~~Any~~ Except for those officers named in subdivision (b) of
26 Section 1 of Article XI of the California Constitution, any county
27 office that is required to be elective may become an appointive
28 office pursuant to this subdivision. In order to change an office
29 from elective to appointive, a proposal shall be presented to the
30 voters of the county and approved by a majority of the votes cast
31 on the proposition. A proposal shall be submitted to the voters by
32 the county board of supervisors or it may be submitted to the
33 voters pursuant to the qualification of an initiative petition as
34 provided in Chapter 2 (commencing with Section 9100) of
35 Division 9 of the Elections Code. Any county office changed
36 from elective to appointive in accordance with this subdivision
37 may be changed back from appointive to elective in the same
38 manner.

39 SEC. 5. Section 25210.3c is added to the Government Code,
40 to read:

1 25210.3c. A county service area may destroy a record
2 pursuant to Chapter 7 (commencing with Section 60200) of
3 Division 1 of Title 6.

4 SEC. 6. Section 25841 of the Government Code is repealed.

5 ~~25841. The board of supervisors may levy a special tax not to~~
6 ~~exceed five cents (\$0.05) on each one hundred dollars (\$100) of~~
7 ~~the assessed valuation of all property within the county, to be~~
8 ~~used for the erection, maintenance, and repairs of public comfort~~
9 ~~stations.~~

10 SEC. 7. Section 26202.1 of the Government Code is amended
11 to read:

12 26202.1. The board may authorize the destruction or
13 disposition of any unaccepted bid or proposal for the construction
14 or installation of any building, structure, bridge, or highway or
15 other public works which is more than ~~five~~ *two* years old.

16 SEC. 8. Chapter 3 (commencing with Section 51700) of Part
17 2 of Division 1 of Title 5 of the Government Code is repealed.

18 SEC. 9. Article 3.5 (commencing with Section 51939.50) of
19 Chapter 5 of Part 2 of Division 1 of Title 5 of the Government
20 Code is repealed.

21 SEC. 10. Section 61226.5 is added to the Government Code,
22 to read:

23 61226.5. A district may destroy a record pursuant to Chapter
24 7 (commencing with Section 60200) of Division 1 of Title 6.

25 SEC. 11. Section 66442 of the Government Code is amended
26 to read:

27 66442. (a) If a subdivision for which a final map is required
28 lies within an unincorporated area, a certificate or statement by
29 the county surveyor is required. If a subdivision lies within a city,
30 a certificate or statement by the city engineer or city surveyor is
31 required. The appropriate official shall sign, date, and, below or
32 immediately adjacent to the signature, indicate his or her
33 registration or license number with expiration date and *the stamp*
34 *of his or her seal*, state that:

35 (1) He or she has examined the map.

36 (2) The subdivision as shown is substantially the same as it
37 appeared on the tentative map, and any approved alterations
38 thereof.

(3) All provisions of this chapter and of any local ordinances applicable at the time of approval of the tentative map have been complied with.

(4) He or she is satisfied that the map is technically correct.

(b) City or county engineers registered as civil engineers after January 1, 1982, shall only be qualified to certify the statements of paragraphs (1), (2), and (3) of subdivision (a). The statement specified in paragraph (4) shall only be certified by a person authorized to practice land surveying pursuant to the Professional Land Surveyors' Act (Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code) or a person registered as a civil engineer prior to January 1, 1982, pursuant to the Professional Engineers' Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code). The county surveyor, the city surveyor, or the city engineer, as the case may be, or other public official or employee qualified and authorized to perform the functions of one of those officials, shall complete and file with his or her legislative body his or her certificate or statement, as required by this section, within 20 days from the time the final map is submitted to him or her by the subdivider for approval.

SEC. 12. Section 66442.5 of the Government Code is amended to read:

66442.5. The following statements shall appear on a final map:

(a) Engineer's (surveyor's) statement:

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of (name of person authorizing map) on (date). I hereby state that *all the monuments are of the character and occupy the positions indicated or that they will be set in those positions before (date), and that the monuments are, or will be, sufficient to enable the survey to be retraced, and that this final map substantially conforms to the conditionally approved tentative map.*

(Signed) _____

R.C.E. (or L.S.) No. _____

1 (b) Recorder's certificate or statement.

2
3 Filed this ____ day of ____, 20__, at ____ m. in Book ____ of
4 ____, at page ____, at the request of ____.

5
6 Signed _____

7 County Recorder

8
9 SEC. 13. Section 66452.5 of the Government Code is
10 amended to read:

11 66452.5. (a) The subdivider, or any tenant of the subject
12 property, in the case of a proposed conversion of residential real
13 property to a condominium project, community apartment
14 project, or stock cooperative project, may appeal from any action
15 of the advisory agency with respect to a tentative map to the
16 appeal board established by local ordinance or, if none, to the
17 legislative body.

18 The appeal shall be filed with the clerk of the appeal board, or
19 if there is none, with the clerk of the legislative body within 10
20 days after the action of the advisory agency from which the
21 appeal is being taken.

22 Upon the filing of an appeal, the appeal board or legislative
23 body shall set the matter for hearing. The hearing shall be held
24 within 30 days after the date of filing the appeal. *If, on the date of*
25 *filing the appeal, there is no regular meeting of the legislative*
26 *body within the 30 days for which notice can be given pursuant*
27 *to Section 66451.3, the appeal may be heard at the next regular*
28 *meeting for which notice can be given. No special meeting need*
29 *be held solely because there is no regular meeting within the 30*
30 *days for which notice of the appeal can be given.* Within 10 days
31 following the conclusion of the hearing, the appeal board or
32 legislative body shall render its decision on the appeal.

33 (b) The subdivider, any tenant of the subject property, in the
34 case of a conversion of residential real property to a
35 condominium project, community apartment project, or stock
36 cooperative project, or the advisory agency may appeal from the
37 action of the appeal board to the legislative body. The appeal
38 shall be filed in writing with the clerk of the legislative body
39 within 10 days after the action of the appeal board from which
40 the appeal is being taken.

1 After the filing of an appeal, the legislative body shall set the
2 matter for hearing. The hearing shall be held within 30 days after
3 the date of a request therefor filed by the subdivider or the
4 appellant. *If, on the date of filing the appeal, there is no regular*
5 *meeting of the legislative body within the 30 days for which*
6 *notice can be given pursuant to Section 66451.3, the appeal may*
7 *be heard at the next regular meeting for which notice can be*
8 *given. No special meeting need be held solely because there is no*
9 *regular meeting within the 30 days for which notice of the appeal*
10 *can be given.* Within 10 days following the conclusion of the
11 hearing, the legislative body shall render its decision on the
12 appeal. The decision shall comply with the provisions of Sections
13 66473, 66473.5, and 66474, and shall include any findings
14 required by those sections.

15 (c) If there is an appeal board and it fails to act upon an appeal
16 within the time limit specified in this chapter, the decision from
17 which the appeal was taken shall be deemed affirmed and an
18 appeal therefrom may thereupon be taken to the legislative body
19 as provided in subdivision (b) of this section. If no further appeal
20 is taken, the tentative map, insofar as it complies with applicable
21 requirements of this division and local ordinance, shall be
22 deemed approved or conditionally approved as last approved or
23 conditionally approved by the advisory agency, and it shall be the
24 duty of the clerk of the legislative body to certify or state that
25 approval, or if the advisory agency is one which is not authorized
26 by local ordinance to approve, conditionally approve, or
27 disapprove the tentative map, the advisory agency shall submit
28 its report to the legislative body as if no appeal had been taken.

29 If the legislative body fails to act upon an appeal within the
30 time limit specified in this chapter, the tentative map, insofar as it
31 complies with applicable requirements of this division and local
32 ordinance, shall be deemed to be approved or conditionally
33 approved as last approved or conditionally approved, and it shall
34 be the duty of the clerk of the legislative body to certify or state
35 that approval.

36 (d) Any interested person adversely affected by a decision of
37 the advisory agency or appeal board may file an appeal with the
38 ~~governing~~ legislative body concerning any decision of the
39 advisory agency or appeal board. The appeal shall be filed with
40 the clerk of the ~~governing~~ legislative body within 10 days after

1 the action of the advisory agency or appeal board which is the
 2 subject of the appeal. Upon the filing of the appeal, the governing
 3 legislative body shall set the matter for hearing. The hearing shall
 4 be held within 30 days after the filing of the appeal. *If, on the*
 5 *date of filing the appeal, there is no regular meeting of the*
 6 *legislative body within the 30 days for which notice can be given*
 7 *pursuant to Section 66451.3, the appeal may be heard at the next*
 8 *regular meeting for which notice can be given. No special*
 9 *meeting need be held solely because there is no regular meeting*
 10 *within the 30 days for which notice of the appeal can be given.*
 11 The hearing may be a public hearing for which notice shall be
 12 given in the time and manner provided.

13 Upon conclusion of the hearing, the governing legislative body
 14 shall, within 10 days, declare its findings based upon the
 15 testimony and documents produced before it or before the
 16 advisory board or the appeal board. ~~It~~ *The legislative body* may
 17 sustain, modify, reject, or overrule any recommendations or
 18 rulings of the advisory board or the appeal board and may make
 19 any findings which are not inconsistent with the provisions of
 20 this chapter or local ordinance adopted pursuant to this chapter.

21 (e) Notice of each hearing provided for in this section shall be
 22 sent by United States mail to each tenant of the subject property,
 23 in the case of a conversion of residential real property to a
 24 condominium project, community apartment project, or stock
 25 cooperative project, at least three days prior to the hearing. The
 26 notice requirement of this subdivision shall be deemed satisfied if
 27 the notice complies with the legal requirements for service by
 28 mail. Pursuant to Section 66451.2, fees may be collected from
 29 the subdivider or from persons appealing or filing an appeal for
 30 expenses incurred under this section.

31 SEC. 14. Section 5900.11 is added to the Harbors and
 32 Navigation Code, to read:

33 5900.11. A district may destroy a record pursuant to Chapter
 34 7 (commencing with Section 60200) of Division 1 of Title 6 of
 35 the Government Code.

36 SEC. 15. Section 6064 is added to the Harbors and Navigation
 37 Code, to read:

38 6064. A district may destroy a record pursuant to Chapter 7
 39 (commencing with Section 60200) of Division 1 of Title 6 of the
 40 Government Code.

SEC. 16. Section 6272 is added to the Harbors and Navigation Code, to read:

6272. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 17. Section 6860.5 is added to the Harbors and Navigation Code, to read:

6860.5. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 18. Section 7053.5 is added to the Harbors and Navigation Code, to read:

7053.5. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

SEC. 19. Section 2043 of the Health and Safety Code is amended to read:

2043. (a) A district shall have perpetual succession.

(b) A board of trustees may, by a two-thirds vote of its total membership, adopt a resolution to change the name of the district. The name shall contain the words “mosquito abatement district,” “vector control district,” “mosquito and vector control district,” “mosquito control district,” or “vector management district.” The resolution shall comply with the requirements of Chapter 23 (commencing with Section 7530) of Division 7 of Title 1 of the Government Code. Within 10 days of its adoption, the board of trustees shall file a copy of its resolution with the Secretary of State, the county clerk, the board of supervisors, and the local agency formation commission of each county in which the district is located.

~~(c) Unless another provision of law requires a longer retention period, a district may destroy or otherwise dispose of any paper or electronic document filed with, or submitted to, the district after one year unless the board of trustees determines that there is a need for its retention. In determining whether there is a need for retaining a document, the board of trustees shall consider future public need, the effect on statutes of limitation, an historical significance.~~ A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

1 SEC. 20. Section 2853 is added to the Health and Safety
2 Code, to read:

3 2853. A district may destroy a record pursuant to Chapter 7
4 (commencing with Section 60200) of Division 1 of Title 6 of the
5 Government Code.

6 SEC. 21. Section 4766.5 is added to the Health and Safety
7 Code, to read:

8 4766.5. A district may destroy a record pursuant to Chapter 7
9 (commencing with Section 60200) of Division 1 of Title 6 of the
10 Government Code.

11 SEC. 22. Section 6491.5 is added to the Health and Safety
12 Code, to read:

13 6491.5. A district may destroy a record pursuant to Chapter 7
14 (commencing with Section 60200) of Division 1 of Title 6 of the
15 Government Code.

16 SEC. 23. Section 11372.5 of the Health and Safety Code is
17 amended to read:

18 11372.5. (a) Every person who is convicted of a violation of
19 Section 11350, 11351, 11351.5, 11352, 11355, 11358, 11359,
20 11361, 11363, 11364, 11368, 11375, 11377, 11378, 11378.5,
21 11379, 11379.5, 11379.6, 11380, 11380.5, 11382, 11383, 11390,
22 11391, or 11550 or subdivision (a) or (c) of Section 11357, or
23 subdivision (a) of Section 11360 of this code, or Section 4230 of
24 the Business and Professions Code shall pay a criminal
25 laboratory analysis fee in the amount of fifty dollars (\$50) for
26 each separate offense. The court shall increase the total fine
27 necessary to include this increment.

28 With respect to those offenses specified in this subdivision for
29 which a fine is not authorized by other provisions of law, the
30 court shall, upon conviction, impose a fine in an amount not to
31 exceed fifty dollars (\$50), which shall constitute the increment
32 prescribed by this section and which shall be in addition to any
33 other penalty prescribed by law.

34 (b) The county treasurer shall maintain a criminalistics
35 laboratories fund. The sum of fifty dollars (\$50) shall be
36 deposited into the fund for every conviction under Section
37 11350, 11351, 11351.5, 11352, 11355, 11358, 11359, 11361,
38 11363, 11364, 11368, 11375, 11377, 11378, 11378.5, 11379,
39 11379.5, 11379.6, 11380, 11380.5, 11382, 11383, 11390, 11391,
40 or 11550, subdivision (a) or (c) of Section 11357, or subdivision

(a) of Section 11360 of this code, or Section 4230 of the Business and Professions Code, in addition to fines, forfeitures, and other moneys which are transmitted by the courts to the county treasurer pursuant to Section 11502. The deposits shall be made prior to any transfer pursuant to Section 11502. The county may retain an amount of this money equal to its administrative cost incurred pursuant to this section. Moneys in the criminalistics laboratories fund shall, except as otherwise provided in this section, be used exclusively to fund (1) costs incurred by criminalistics laboratories providing microscopic and chemical analyses for controlled substances, in connection with criminal investigations conducted within both the incorporated or unincorporated portions of the county, (2) the purchase and maintenance of equipment for use by these laboratories in performing the analyses, and (3) for continuing education, training, and scientific development of forensic scientists regularly employed by these laboratories. Moneys in the criminalistics laboratory fund shall be in addition to any allocations pursuant to existing law. As used in this section, “criminalistics laboratory” means a laboratory operated by, or under contract with, a city, county, or other public agency, including a criminalistics laboratory of the Department of Justice, (1) which has not less than one regularly employed forensic scientist engaged in the analysis of solid-dose controlled substances, and (2) which is registered as an analytical laboratory with the Drug Enforcement Administration of the United States Department of Justice for the possession of all scheduled controlled substances. In counties served by criminalistics laboratories of the Department of Justice, amounts deposited in the criminalistics laboratories fund, after deduction of appropriate and reasonable county overhead charges not to exceed 5 percent attributable to the collection thereof, shall be paid by the county treasurer once a month to the Controller for deposit into the State General Fund, and shall be excepted from the expenditure requirements otherwise prescribed by this subdivision.

~~The~~

(c) ~~The county treasurer~~ *auditor* shall, at the conclusion of each fiscal year, determine the amount of any funds remaining in the special fund established pursuant to this section after

1 expenditures for that fiscal year have been made for the purposes
2 herein specified. The county treasurer shall annually distribute
3 those surplus funds in accordance with the allocation scheme for
4 distribution of fines and forfeitures set forth in Section 11502.

5 SEC. 24. Section 13868 of the Health and Safety Code is
6 amended to read:

7 13868. (a) A district board shall keep a record of all its acts,
8 including its financial transactions.

9 ~~(b) Unless another provision of law requires a longer retention~~
10 ~~period, a district may destroy or otherwise dispose of any paper~~
11 ~~or document filed with or submitted to the district more than one~~
12 ~~year previously, unless the district board determines that there is~~
13 ~~a need for its retention. In determining whether there is a need for~~
14 ~~retaining a paper or document, consideration shall be given to~~
15 ~~such factors as future public need, the effect of statutes of~~
16 ~~limitation, and historical significance. A district may destroy a~~
17 ~~record pursuant to Chapter 7 (commencing with Section 60200)~~
18 ~~of Division 1 of Title 6 of the Government Code.~~

19 SEC. 25. Section 32107 is added to the Health and Safety
20 Code, to read:

21 32107. A district may destroy a record pursuant to Chapter 7
22 (commencing with Section 60200) of Division 1 of Title 6 of the
23 Government Code.

24 SEC. 26. Section 1190.5 is added to the Military and Veterans
25 Code, to read:

26 1190.5. A district may destroy a record pursuant to Chapter 7
27 (commencing with Section 60200) of Division 1 of Title 6 of the
28 Government Code.

29 SEC. 27. Section 1463.14 of the Penal Code is amended to
30 read:

31 1463.14. (a) Notwithstanding the provisions of Section 1463,
32 of the moneys deposited with the county treasurer pursuant to
33 Section 1463, fifty dollars (\$50) of each fine collected for each
34 conviction of a violation of Section 23103, 23104, 23152, or
35 23153 of the Vehicle Code shall be deposited in a special account
36 which shall be used exclusively to pay for the cost of performing
37 for the county, or a city or special district within the county,
38 analysis of blood, breath or urine for alcohol content or for the
39 presence of drugs, or for services related to that testing. The sum

1 shall not exceed the reasonable cost of providing the services for
2 which the sum is intended.

3 On November 1 of each year, the ~~treasurer~~ *auditor* of each
4 county shall determine those moneys in the special account
5 which were not expended during the preceding fiscal year, and
6 shall transfer those moneys into the general fund of the county.
7 The county may retain an amount of that money equal to its
8 administrative cost incurred pursuant to this section, and shall
9 distribute the remainder pursuant to Section 1463. If the account
10 becomes exhausted, the public entity ordering a test performed
11 pursuant to this subdivision shall bear the costs of the test.

12 (b) The board of supervisors of a county may, by resolution,
13 authorize an additional penalty upon each defendant convicted of
14 a violation of Section 23152 or 23153 of the Vehicle Code, of an
15 amount equal to the cost of testing for alcohol content, less the
16 fifty dollars (\$50) deposited as provided in subdivision (a). The
17 additional penalty authorized by this subdivision shall be
18 imposed only in those instances where the defendant has the
19 ability to pay, but in no case shall the defendant be ordered to
20 pay a penalty in excess of fifty dollars (\$50). The penalty
21 authorized shall be deposited directly with the county, or city or
22 special district within the county, which performed the test, in the
23 special account described in subdivision (a), and shall not be the
24 basis for any additional assessment pursuant to Section 1464 or
25 1465, or Chapter 12 (commencing with Section 76010) of Title 8
26 of the Government Code.

27 For purposes of this subdivision, “ability to pay” means the
28 overall capability of the defendant to pay the additional penalty
29 authorized by this subdivision, taking into consideration all of the
30 following:

31 ~~(A)~~

32 (1) Present financial obligations, including family support
33 obligations, and fines, penalties, and other obligations to the
34 court.

35 ~~(B)~~

36 (2) Reasonably discernible future financial position over the
37 next 12 months.

38 ~~(C)~~

39 (3) Any other factor or factors which may bear upon the
40 defendant’s financial ability to pay the additional penalty.

1 (c) The Department of Justice shall promulgate rules and
2 regulations to implement the provisions of this section.

3 SEC. 28. Section 5557.2 of the Public Resources Code is
4 amended to read:

5 ~~5557.2. The board may authorize the destruction or~~
6 ~~disposition of any record, paper, or document, which is more~~
7 ~~than five (5) years old.~~ *A district may destroy a record pursuant to*
8 *Chapter 7 (commencing with Section 60200) of Division 1 of*
9 *Title 6 of the Government Code.*

10 SEC. 29. Section 5786.9 of the Public Resources Code is
11 amended to read:

12 5786.9. (a) A district shall have perpetual succession.

13 (b) A board of directors may, by a four-fifths vote of its total
14 membership, adopt a resolution to change the name of the
15 district. The resolution shall comply with the requirements of
16 Chapter 23 (commencing with Section 7530) of Division 7 of
17 Title 1 of the Government Code. The board of directors shall not
18 change the name of the district to the name of any living
19 individual. Within 10 days of its adoption, the board of directors
20 shall file a copy of its resolution with the Secretary of State, the
21 county clerk, the board of supervisors, and the local agency
22 formation commission of each county in which the district is
23 located.

24 ~~(c) Unless another provision of law requires a longer retention~~
25 ~~period, a district may destroy or otherwise dispose of any paper~~
26 ~~or electronic document filed with or submitted to the district after~~
27 ~~one year, unless the board of directors determines that there is a~~
28 ~~need for its retention. In determining whether there is a need for~~
29 ~~retaining a document, the board of directors shall consider future~~
30 ~~public need, the effect on statutes of limitation, and historical~~
31 ~~significance.~~ *A district may destroy a record pursuant to Chapter*
32 *7 (commencing with Section 60200) of Division 1 of Title 6 of the*
33 *Government Code.*

34 SEC. 30. Section 9313 of the Public Resources Code is
35 amended to read:

36 9313. (a) All meetings of the directors shall be open to the
37 public. All records of the district shall be open to public
38 inspection during business hours.

1 **(b) A district may destroy a record pursuant to Chapter 7**
2 **(commencing with Section 60200) of Division 1 of Title 6 of the**
3 **Government Code.**

4 SEC. 31. Section 26582 of the Public Resources Code is
5 amended to read:

6 26582. **(a) A district shall keep a record of the proceedings of**
7 **its meetings. A district is subject to the provisions of the Ralph**
8 **M. Brown Act (commencing with Section 54950 of the**
9 **Government Code).**

10 **(b) A district may destroy a record pursuant to Chapter 7**
11 **(commencing with Section 60200) of Division 1 of Title 6 of the**
12 **Government Code.**

13 SEC. 32. Section 12772 of the Public Utilities Code is
14 amended to read:

15 12772. ~~Whenever the board by resolution determines that any~~
16 ~~record, map, book, or paper in the possession of the district or~~
17 ~~any officer or employee thereof is of no further value to the~~
18 ~~district, the board may authorize its sale, destruction, or other~~
19 ~~disposition. Nothing in this section shall prevent the board from~~
20 ~~establishing procedures whereby categories of original records,~~
21 ~~maps, books, or papers designated by the board as having further~~
22 ~~value may be destroyed without further approval by the board if~~
23 ~~all of the conditions of Section 60203 of the Government Code~~
24 ~~are complied with.~~ **A district may destroy a record pursuant to**
25 **Chapter 7 (commencing with Section 60200) of Division 1 of**
26 **Title 6 of the Government Code.**

27 SEC. 33. Section 16044 is added to the Public Utilities Code,
28 to read:

29 16044. A district may destroy a record pursuant to Chapter 7
30 (commencing with Section 60200) of Division 1 of Title 6 of the
31 Government Code.

32 SEC. 34. Section 16486 of the Public Utilities Code is
33 amended to read:

34 16486. (a) In addition to all other powers, excepting
35 telephone service, authorized by this division, the Kirkwood
36 Meadows Public Utility District may acquire, construct, own, and
37 operate public parking facilities and cable television facilities and
38 may provide snow removal and road maintenance services for all
39 roads open to the public, including, but not limited to, public
40 roads and roads offered for dedication but not accepted, within

1 the district. Prior to providing any snow removal or road
2 maintenance services, the district shall obtain the consent of any
3 public agency owning the roads. Notwithstanding Section 16467,
4 the facilities and services provided in this subdivision need not
5 be operated on a self-sustaining, revenue-producing basis.
6 Revenue to defray the cost of the facilities and services may be
7 raised in any manner authorized by this division.

8 (b) The Kirkwood Meadows Public Utility District may
9 exercise all of the powers of a mosquito abatement district or
10 vector control district, as set forth in ~~Chapter 5 (commencing~~
11 ~~with Section 2200) the Mosquito Abatement and Vector Control~~
12 ~~District Law (Chapter 5 (commencing with Section 2000) of~~
13 ~~Division 3 of the Health and Safety Code Code), necessary for~~
14 ~~purposes of mosquito abatement or vector control~~ within the
15 service area of the Kirkwood Meadows Public Utility District if
16 all of the following conditions are met:

17 (1) ~~The district passes an ordinance pursuant to Sections~~
18 ~~16072 to 16084, inclusive, authorizing the district to exercise~~
19 ~~these powers.~~

20 (2) ~~The Alpine County local agency formation commission~~
21 ~~authorizes the district to exercise these powers.~~

22 (3) ~~The Alpine County board of supervisors adopts a~~
23 ~~resolution of intention pursuant to Section 2215.5 of the Health~~
24 ~~and Safety Code and complies with Sections 2216, 2221, 2222,~~
25 ~~2223, and 2224 of the Health and Safety Code, except that the~~
26 ~~district name need not contain the words “mosquito abatement~~
27 ~~district” or “vector control district” pursuant to Section 2223 of~~
28 ~~the Health and Safety Code.~~

29 (e) ~~If the Kirkwood Meadows Public Utilities District is~~
30 ~~authorized to exercise the powers of a mosquito abatement~~
31 ~~district or vector control district pursuant to subdivision (b), the~~
32 ~~district shall comply with all requirements of Chapter 5~~
33 ~~(commencing with Section 2200) of Division 3 of the Health and~~
34 ~~Safety Code and the misdemeanor provisions of Section 2292 of~~
35 ~~the Health and Safety Code shall apply to persons who interfere~~
36 ~~with mosquito abatement and vector control work done by the~~
37 ~~Kirkwood Meadows Public Utility District.~~

38 SEC. 35. Section 16489 of the Public Utilities Code is
39 amended to read:

1 16489. ~~(a) The June Lake Public Utility District may exercise~~
2 ~~all of the powers of a mosquito abatement district or vector~~
3 ~~control district, as set forth in Chapter 5 (commencing with~~
4 ~~Section 2200) the Mosquito Abatement and Vector Control~~
5 ~~District Law (Chapter 5 (commencing with Section 2000) of~~
6 ~~Division 3 of the Health and Safety Code Code), necessary for~~
7 ~~purposes of mosquito abatement or vector control within the~~
8 ~~service area of the June Lake Public Utility District, if the~~
9 ~~governing board of the mosquito abatement or vector control~~
10 ~~district, if any, having jurisdiction over mosquito abatement or~~
11 ~~vector control in the area where the abatement or control efforts~~
12 ~~are to take place consents to the exercise of those powers by the~~
13 ~~June Lake Public Utility District.~~

14 ~~(b) The district shall comply with all requirements of Chapter~~
15 ~~5 (commencing with Section 2200) of Division 3 of the Health~~
16 ~~and Safety Code and the misdemeanor provisions of Section~~
17 ~~2292 of the Health and Safety Code shall apply to persons who~~
18 ~~interfere with mosquito abatement and vector control work done~~
19 ~~by the June Lake Public Utility District.~~

20 SEC. 36. Section 22411 is added to the Public Utilities Code,
21 to read:

22 22411. A district may destroy a record pursuant to Chapter 7
23 (commencing with Section 60200) of Division 1 of Title 6 of the
24 Government Code.

25 SEC. 37. Section 21403 of the Water Code is amended to
26 read:

27 21403. ~~Upon authorization by the board, the records of the~~
28 ~~district may be microfilmed or otherwise photographically~~
29 ~~reproduced and certified. The microfilming or photographic~~
30 ~~reproduction must meet the standard specification of the United~~
31 ~~States Bureau of Standards.~~

32 ~~The certification of each such reproduction or set of~~
33 ~~reproductions shall be in accordance with the standards or have~~
34 ~~the approval of the Attorney General. The certification shall~~
35 ~~contain a statement of the identity, description, and disposition or~~
36 ~~location of the records reproduced, the date, reason, and~~
37 ~~authorization of such reproduction, and such other information as~~
38 ~~the Attorney General requires.~~

39 Such certified photographic reproductions shall be deemed to
40 be original public records for all purposes, including introduction

1 ~~in courts of law and state agencies. A district may destroy a~~
2 ~~record pursuant to Chapter 7 (commencing with Section 60200)~~
3 ~~of Division 1 of Title 6 of the Government Code.~~

4 SEC. 38. Section 30525.5 is added to the Water Code, to read:
5 30525.5. A district may destroy a record pursuant to Chapter
6 7 (commencing with Section 60200) of Division 1 of Title 6 of
7 the Government Code.

8 SEC. 39. Section 35307 is added to the Water Code, to read:
9 35307. A district may destroy a record pursuant to Chapter 7
10 (commencing with Section 60200) of Division 1 of Title 6 of the
11 Government Code.

12 SEC. 40. Section 40657.5 is added to the Water Code, to read:
13 40657.5. A district may destroy a record pursuant to Chapter
14 7 (commencing with Section 60200) of Division 1 of Title 6 of
15 the Government Code.

16 SEC. 41. Section 50942 is added to the Water Code, to read:
17 50942. A district may destroy a record pursuant to Chapter 7
18 (commencing with Section 60200) of Division 1 of Title 6 of the
19 Government Code.

20 SEC. 42. Section 55333.5 is added to the Water Code, to read:
21 55333.5. A district may destroy a record pursuant to Chapter
22 7 (commencing with Section 60200) of Division 1 of Title 6 of
23 the Government Code.

24 SEC. 43. Section 71282 is added to the Water Code, to read:
25 71282. A district may destroy a record pursuant to Chapter 7
26 (commencing with Section 60200) of Division 1 of Title 6 of the
27 Government Code.

28 SEC. 44. Section 74228.5 is added to the Water Code, to read:
29 74228.5. A district may destroy a record pursuant to Chapter
30 7 (commencing with Section 60200) of Division 1 of Title 6 of
31 the Government Code.